

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----  
RHONDA FAULKNER,

Plaintiff,

v.

1:05-cv-0974

NIAGARA MOHAWK POWER CORPORATION,

Defendant.  
-----

THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

By Order dated December 28, 2006, Attorney Mylo Eytina (Bar Roll No. 501936) was directed to pay a sanction in the amount of \$300.00 for violating Local Rule 7.1(b)(3). The sanction was payable on or before January 16, 2007. The Court's prior Order also required that: "Attorney Eytina . . . familiarize himself with the Court's Local Rules and General Orders (all of which are available on the Court's website) and certify to the Court on or before January 16, 2007 that he has complied with this directive." Attorney Eytina has failed to comply with these requirements. The Court's prior Order expressly warned that **"FAILURE TO TIMELY COMPLY WITH THIS ORDER SHALL RESULT IN FURTHER SANCTIONS AND POSSIBLE CONTEMPT PROCEEDINGS."** (emphases in original).

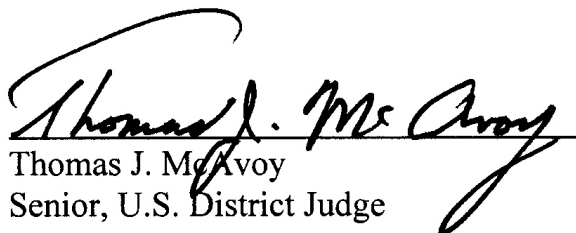
Attorney Eytina has failed to comply with a clear Order of this Court despite ample notice. The Court, therefore, refers this matter to the Chief Judge of this District pursuant to N.D.N.Y.L.R. 83.4 for appropriate discipline for violations of this Court's rules and the New York State Lawyer's Code of Professional responsibility and for consideration of whether

contempt proceedings are appropriate for failure to comply with the Court's December 28, 2006 Order.

It also has come to the Court's attention that Attorney Eytina is delinquent in his biennial registration fee. See N.D.N.Y.L.R. 83.1(a)(5). Rule 83.1(a)(5) provides that "[f]ailure to remit this fee will result in the removal of the non-paying attorney from the Court's bar roll. Should the payment of this biennial fee present a significant financial hardship, at attorney may request, via application to the Chief Judge, that the biennial registration fee be waived." The Court is unaware of any application made by Attorney Eytina to waive the biennial registration fee. Accordingly, the Court hereby Orders that Attorney Eytina be removed from the Court's bar roll, subject to proof that he has paid the required fee or timely submitted an application for a waiver.

IT IS SO ORDERED.

Dated: January 19, 2007

  
Thomas J. McAvoy  
Senior, U.S. District Judge